

AMENDED IN ASSEMBLY AUGUST 27, 2002

AMENDED IN ASSEMBLY JUNE 26, 2002

AMENDED IN ASSEMBLY JUNE 4, 2002

AMENDED IN SENATE APRIL 15, 2002

SENATE BILL

No. 1241

Introduced by Senator Figueroa

January 7, 2002

An act to amend Sections 7583.2, 7583.3, 7583.8, 7583.9, and 7583.17 of, and to repeal Sections 7583.11 and 7583.43 of, the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1241, as amended, Figueroa. Private security services.

The Private Security Services Act provides, among other matters, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs, and makes a violation of its provisions a crime. Under existing law, an employee of a licensee may be assigned to work with a temporary registration card if specified requirements are met.

This bill would delete the provisions relating to temporary registration cards and would require that a background check be completed and a determination made by the bureau prior to the issuance of a registration card. The bill would authorize a person to work as a security guard or security patrolperson pending receipt of a registration card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Web site and a valid picture identification.

Existing law requires a person, upon accepting employment by a private patrol operator performing the function of a security guard or security patrolperson, to, among other things, submit fingerprint cards to the Department of Justice if he or she is not currently registered with the bureau. Existing law exempts law enforcement officers meeting specified criteria from the fingerprinting requirement.

This bill would remove the exemption for law enforcement officers, and instead would authorize an officer who meets the criteria to immediately perform the functions of a security guard or security patrolperson prior to the completion of a background check, provided that he or she has submitted an application, the applicable fees, and his or her fingerprints to the bureau for a security guard registration.

The bill would incorporate additional changes in Sections 7583.2, 7583.8, and 7583.9 of the Business and Professions Code proposed by AB 248, AB 1840, or AB 2880, to be operative only if any or all of the other bills are enacted and become effective on or before January 1, 2003, and this bill is enacted last.

Because a violation of any of the provisions regulating private patrol operators is a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7583.2 of the Business and Professions
- 2 Code is amended to read:
- 3 7583.2. No person licensed as a private patrol operator shall
- 4 do any of the following:
- 5 (a) Fail to properly maintain an accurate and current record of
- 6 all firearms or other deadly weapons that are in the possession of
- 7 the licensee or of any employee while on duty. Within seven days
- 8 after a licensee or his or her employees discover that a deadly
- 9 weapon that has been recorded as being in his or her possession has



1 been misplaced, lost, or stolen, or is in any other way missing, the
2 licensee or his or her manager shall mail or deliver to any local law
3 enforcement agency that has jurisdiction, a written report
4 concerning the incident. The report shall describe fully the
5 circumstances surrounding the incident, any injuries or damages
6 incurred, the identity of all participants, and whether a police
7 investigation was conducted.

8 (b) Fail to properly maintain an accurate and current record of
9 the name, address, commencing date of employment, and position
10 of each employee, and the date of termination of employment
11 when an employee is terminated.

12 (c) Fail to properly maintain an accurate and current record of
13 proof of completion by each employee of the licensee of the course
14 of training in the exercise of the power to arrest as required by
15 Section 7583.5.

16 (d) Fail to certify an employee's completion of the course of
17 training in the exercise of the power to arrest prior to placing the
18 employee at a duty station.

19 (e) Fail to certify proof of current and valid registration for each
20 employee who is subject to registration.

21 (f) Permit any employee to carry a firearm or other deadly
22 weapon without first ascertaining that the employee is proficient
23 in the use of each weapon to be carried. With respect to firearms,
24 evidence of proficiency shall include a certificate from a firearm
25 training facility approved by the director certifying that the
26 employee is proficient in the use of that specified caliber of firearm
27 and a current and valid firearm qualification permit issued by the
28 department. With respect to other deadly weapons, evidence of
29 proficiency shall include a certificate from a training facility
30 approved by the director certifying that the employee is proficient
31 in the use of that particular deadly weapon.

32 (g) Fail to deliver to the director a written report describing
33 fully the circumstances surrounding the discharge of any firearm,
34 or physical altercation with a member of the public while on duty,
35 by a licensee or any officer, partner, or employee of a licensee
36 while acting within the course and scope of his or her employment
37 within seven days after the incident. For the purposes of this
38 subdivision, a report shall be required only for physical
39 altercations that result in any of the following: (1) the arrest of a
40 security guard, (2) the filing of a police report by a member of the

1 public, (3) injury on the part of a member of the public that requires
2 medical attention, or (4) the discharge, suspension, or reprimand
3 of a security guard by his or her employer. The report shall include,
4 but not be limited to, a description of any injuries or damages
5 incurred, the identity of all participants, and whether a police
6 investigation was conducted. Any report may be investigated by
7 the director to determine if any disciplinary action is necessary.

8 (h) Fail to notify the bureau in writing and within 30 days that
9 a manager previously qualified pursuant to this chapter is no
10 longer connected with the licensee.

11 *SEC. 1.3. Section 7583.2 of the Business and Professions*
12 *Code is amended to read:*

13 7583.2. ~~No person~~ A licensed as a private patrol operator shall
14 ~~do any of the following:~~

15 ~~(a) Fail to properly maintain,~~ *lawful business, or public agency*
16 *that employs a security guard registered pursuant to this chapter*
17 *shall do the following:*

18 (a) *Maintain* an accurate and current record of all firearms or
19 other deadly weapons that are in the possession of the licensee,
20 *lawful business, public agency, or of any employee while on duty.*
21 Within seven days after a licensee, *lawful business, public agency,*
22 or his or her employees discover that a deadly weapon ~~which that~~
23 has been recorded as being in his or her possession has been
24 misplaced, lost, or stolen, or *is* in any other way missing, the
25 licensee or his or her manager, *lawful business, or public agency*
26 shall mail or deliver to any local law enforcement agency ~~who that~~
27 has jurisdiction, a written report concerning the incident. The
28 report shall describe fully the circumstances surrounding the
29 incident, any injuries or damages incurred, the identity of all
30 participants, and whether a police investigation was conducted.

31 ~~(b) Fail to properly maintain~~ *Maintain* an accurate and current
32 record of the name, address, commencing date of employment,
33 and position of each employee, and the date of termination of
34 employment when an employee is terminated.

35 ~~(c) Fail to properly maintain~~ *Maintain* an accurate and current
36 record of proof of completion by each employee of the licensee,
37 *lawful business, or public agency* of the course of training in the
38 exercise of the power to arrest as required by Section 7583.5.

1 ~~(d) Fail to certify~~ *Certify* an employee's completion of the
2 course of training in the exercise of the power to arrest prior to
3 placing the employee at a duty station.

4 ~~(e) Fail to certify~~ *Certify* proof of current and valid registration
5 for each employee who is subject to registration ~~or fail to comply~~
6 ~~with the provisions of Section 7583.11 if employing an individual~~
7 ~~who does not possess a current and valid registration from the~~
8 ~~bureau.~~

9 ~~(f) Fail to certify within three business days after assigning an~~
10 ~~employee to work with a temporary registration card that the~~
11 ~~employee has submitted fingerprint cards as required by Section~~
12 ~~7583.9.~~

13 ~~(g) Permit any~~ *Prohibit an* employee ~~to carry~~ *from carrying* a
14 firearm or other deadly weapon ~~without~~ *until* first ascertaining that
15 the employee is proficient in the use of each weapon to be carried.
16 With respect to firearms, evidence of proficiency shall include a
17 certificate from a firearm training facility approved by the director
18 certifying that the employee is proficient in the use of that
19 specified caliber of firearm and a current and valid firearm
20 qualification permit issued by the department. With respect to
21 other deadly weapons, evidence of proficiency shall include a
22 certificate from a training facility approved by the director
23 certifying that the employee is proficient in the use of that
24 particular deadly weapon.

25 ~~(h) Fail to deliver~~

26 ~~(g)~~ *Deliver* to the director a written report describing fully the
27 circumstances surrounding the discharge of any firearm, or
28 physical altercation with a member of the public while on duty, by
29 a licensee or any officer, partner, or employee of a licensee, *lawful*
30 *business, or public agency* while acting within the course and
31 scope of his or her employment within seven days after the
32 incident. For the purposes of this subdivision, a report shall be
33 required only for physical altercations that result in any of the
34 following: (1) the arrest of a security guard, (2) the filing of a
35 police report by a member of the public, (3) injury on the part of
36 a member of the public that requires medical attention, or (4) the
37 discharge, suspension, or reprimand of a security guard by his or
38 her employer. The report shall include, but not be limited to, a
39 description of any injuries or damages incurred, the identity of all
40 participants, and whether a police investigation was conducted.

1 Any report may be investigated by the director to determine if any
2 disciplinary action is necessary.

3 ~~(i) Fail to notify~~

4 (h) (1) Notify the bureau in writing and within 30 days that a
5 manager previously qualified pursuant to this chapter is no longer
6 connected with the licensee.

7 (2) *This subdivision shall not apply to any lawful business or*
8 *public agency that employs registered security guards.*

9 SEC. 1.5. *Section 7583.2 of the Business and Professions*
10 *Code is amended to read:*

11 7583.2. No person licensed as a private patrol operator shall
12 do any of the following:

13 (a) Fail to properly maintain an accurate and current record of
14 all firearms or other deadly weapons that are in the possession of
15 the licensee or of any employee while on duty. Within seven days
16 after a licensee or his or her employees discover that a deadly
17 weapon ~~which~~ *that* has been recorded as being in his or her
18 possession has been misplaced, lost, or stolen, or *is* in any other
19 way missing, the licensee or his or her manager shall mail or
20 deliver to any local law enforcement agency ~~who~~ *that* has
21 jurisdiction, a written report concerning the incident. The report
22 shall describe fully the circumstances surrounding the incident,
23 any injuries or damages incurred, the identity of all participants,
24 and whether a police investigation was conducted.

25 (b) Fail to properly maintain an accurate and current record of
26 the name, address, commencing date of employment, and position
27 of each employee, and the date of termination of employment
28 when an employee is terminated.

29 (c) Fail to properly maintain an accurate and current record of
30 proof of completion by each employee of the licensee of the course
31 of training in the exercise of the power to arrest as required by
32 Section 7583.5, *the security officer skills training required by*
33 *subdivision (b) of Section 7583.6, and the annual practice and*
34 *review required by subdivision (f) of Section 7583.6.*

35 (d) Fail to certify an employee's completion of the course of
36 training in the exercise of the power to arrest prior to placing the
37 employee at a duty station.

38 (e) Fail to certify proof of current and valid registration for each
39 employee who is subject to registration ~~or fail to comply with the~~

1 ~~provisions of Section 7583.11 if employing an individual who~~
2 ~~does not possess a current and valid registration from the bureau.~~

3 ~~(f) Fail to certify within three business days after assigning an~~
4 ~~employee to work with a temporary registration card that the~~
5 ~~employee has submitted fingerprint cards as required by Section~~
6 ~~7583.9.~~

7 ~~(g)~~

8 (f) Permit any employee to carry a firearm or other deadly
9 weapon without first ascertaining that the employee is proficient
10 in the use of each weapon to be carried. With respect to firearms,
11 evidence of proficiency shall include a certificate from a firearm
12 training facility approved by the director certifying that the
13 employee is proficient in the use of that specified caliber of firearm
14 and a current and valid firearm qualification permit issued by the
15 department. With respect to other deadly weapons, evidence of
16 proficiency shall include a certificate from a training facility
17 approved by the director certifying that the employee is proficient
18 in the use of that particular deadly weapon.

19 ~~(h)~~

20 (g) Fail to deliver to the director a written report describing
21 fully the circumstances surrounding the discharge of any firearm,
22 or physical altercation with a member of the public while on duty,
23 by a licensee or any officer, partner, or employee of a licensee
24 while acting within the course and scope of his or her employment
25 within seven days after the incident. For the purposes of this
26 subdivision, a report shall be required only for physical
27 altercations that result in any of the following: (1) the arrest of a
28 security guard, (2) the filing of a police report by a member of the
29 public, (3) injury on the part of a member of the public that requires
30 medical attention, or (4) the discharge, suspension, or reprimand
31 of a security guard by his or her employer. The report shall include,
32 but not be limited to, a description of any injuries or damages
33 incurred, the identity of all participants, and whether a police
34 investigation was conducted. Any report may be investigated by
35 the director to determine if any disciplinary action is necessary.

36 ~~(i)~~

37 (h) Fail to notify the bureau in writing and within 30 days that
38 a manager previously qualified pursuant to this chapter is no
39 longer connected with the licensee.

1 (i) *Fail to administer to each registered employee of the*
2 *licensee, the review or practice training required by subdivision (f)*
3 *of Section 7583.6.*

4 *SEC. 1.7. Section 7583.2 of the Business and Professions*
5 *Code is amended to read:*

6 7583.2. ~~No person~~ A licensed as a private patrol operator shall
7 ~~do any of the following:~~

8 ~~(a) Fail to properly maintain,~~ *lawful business, or public agency*
9 *that employs a security guard registered pursuant to this chapter*
10 *shall do the following:*

11 (a) *Maintain* an accurate and current record of all firearms or
12 other deadly weapons that are in the possession of the licensee,
13 *lawful business, public agency,* or of any employee while on duty.
14 Within seven days after a licensee, *lawful business, public agency,*
15 or his or her employees discover that a deadly weapon ~~which that~~
16 has been recorded as being in his or her possession has been
17 misplaced, lost, or stolen, or *is* in any other way missing, the
18 licensee or his or her manager, *lawful business, or public agency,*
19 shall mail or deliver to any local law enforcement agency ~~who that~~
20 has jurisdiction, a written report concerning the incident. The
21 report shall describe fully the circumstances surrounding the
22 incident, any injuries or damages incurred, the identity of all
23 participants, and whether a police investigation was conducted.

24 (b) ~~Fail to properly maintain~~ *Maintain* an accurate and current
25 record of the name, address, commencing date of employment,
26 and position of each employee, and the date of termination of
27 employment when an employee is terminated.

28 (c) ~~Fail to properly maintain~~ *Maintain* an accurate and current
29 record of proof of completion by each employee of the licensee,
30 *lawful business, or public agency,* of the course of training in the
31 exercise of the power to arrest as required by Section 7583.5, *the*
32 *security officer skills training required by subdivision (b) of*
33 *Section 7583.6, and the annual practice and review required by*
34 *subdivision (f) of Section 7583.6.*

35 (d) ~~Fail to certify~~ *Certify* an employee's completion of the
36 course of training in the exercise of the power to arrest prior to
37 placing the employee at a duty station.

38 (e) ~~Fail to certify~~ *Certify* proof of current and valid registration
39 for each employee who is subject to registration ~~or fail to comply~~
40 ~~with the provisions of Section 7583.11 if employing an individual~~

1 ~~who does not possess a current and valid registration from the~~
2 ~~bureau.~~

3 ~~(f) Fail to certify within three business days after assigning an~~
4 ~~employee to work with a temporary registration card that the~~
5 ~~employee has submitted fingerprint cards as required by Section~~
6 ~~7583.9.~~

7 ~~(g) Permit any~~ *Prohibit an* employee ~~to carry~~ *from carrying* a
8 firearm or other deadly weapon ~~without~~ *until* first ascertaining that
9 the employee is proficient in the use of each weapon to be carried.
10 With respect to firearms, evidence of proficiency shall include a
11 certificate from a firearm training facility approved by the director
12 certifying that the employee is proficient in the use of that
13 specified caliber of firearm and a current and valid firearm
14 qualification permit issued by the department. With respect to
15 other deadly weapons, evidence of proficiency shall include a
16 certificate from a training facility approved by the director
17 certifying that the employee is proficient in the use of that
18 particular deadly weapon.

19 ~~(h) Fail to deliver~~

20 *(g) Deliver* to the director a written report describing fully the
21 circumstances surrounding the discharge of any firearm, or
22 physical altercation with a member of the public while on duty, by
23 a licensee or any officer, partner, or employee of a licensee, *lawful*
24 *business, or public agency*, while acting within the course and
25 scope of his or her employment within seven days after the
26 incident. For the purposes of this subdivision, a report shall be
27 required only for physical altercations that result in any of the
28 following: (1) the arrest of a security guard, (2) the filing of a
29 police report by a member of the public, (3) injury on the part of
30 a member of the public that requires medical attention, or (4) the
31 discharge, suspension, or reprimand of a security guard by his or
32 her employer. The report shall include, but not be limited to, a
33 description of any injuries or damages incurred, the identity of all
34 participants, and whether a police investigation was conducted.
35 Any report may be investigated by the director to determine if any
36 disciplinary action is necessary.

37 ~~(i) Fail to notify~~

38 *(h) (1) Notify* the bureau in writing and within 30 days that a
39 manager previously qualified pursuant to this chapter is no longer
40 connected with the licensee.

1 (2) *This subdivision shall not apply to any lawful business or*
2 *public agency that employs registered security guards.*

3 (i) *Fail to administer to each registered employee of the*
4 *licensee, the review or practice training required by subdivision (f)*
5 *of Section 7583.6.*

6 SEC. 2. Section 7583.3 of the Business and Professions Code
7 is amended to read:

8 7583.3. No person required to be registered as a security
9 guard pursuant to this chapter shall do any of the following:

10 (a) Fail to carry on his or her person, while on duty, a valid and
11 current security guard registration card.

12 (b) Fail to carry on his or her person a valid and current firearms
13 permit when carrying a firearm on duty.

14 (c) Carry or use a firearm unless he or she possesses a valid and
15 current firearms permit issued pursuant to this chapter.

16 (d) Fail to report to his or her employer within 24 hours of the
17 incident the circumstances surrounding any incident involving the
18 discharge of any firearm in which he or she is involved while
19 acting within the course and scope of his or her employment.

20 SEC. 3. Section 7583.8 of the Business and Professions Code
21 is amended to read:

22 7583.8. No employee of a licensee who performs the function
23 of a security guard or security patrolperson shall be issued a
24 registration card until there is proper certification by the instructor
25 that the exercise of the power to arrest course has been taught and
26 the employee's certification that the instruction was received has
27 been delivered to the department. Except as provided in
28 subdivision (f) of Section 7583.9, no security guard registration
29 shall be issued until a criminal history background check has been
30 completed pursuant to subdivision (e) of Section 7583.9 and a
31 determination has been made by the bureau.

32 SEC. 3.5. *Section 7583.8 of the Business and Professions*
33 *Code is amended to read:*

34 7583.8. No employee of a licensee, *lawful business, or public*
35 *agency* who performs the function of a security guard or security
36 patrolperson shall be issued a registration card until *there is* proper
37 certification by the instructor that the exercise of the power to
38 arrest course has been taught and the employee's certification that
39 the instruction was received has been delivered to the department.
40 *Except as provided in subdivision (f) of Section 7583.9, no security*

guard registration shall be issued until a criminal history background check has been completed pursuant to subdivision (e) of Section 7583.9 and a determination has been made by the bureau.

SEC. 4. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The bureau shall forward the classifiable fingerprint cards to the Department of Justice. The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic or hard card fingerprints as provided in this section, the Department of Justice shall disseminate the following information to the bureau:

- (1) Every conviction rendered against the applicant.

(2) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(f) A currently employed, full-time peace officer holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a level I or level II reserve officer as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code may immediately perform the functions of a security guard or security patrolperson, provided that he or she has submitted an application, the applicable fees, and his or her fingerprints to the bureau for a security guard registration.

(g) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(h) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

SEC. 4.3. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, *lawful business, or public agency*, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. *The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The bureau shall forward the classifiable fingerprint cards to the Department of Justice.* The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check. ~~The applicant shall submit the application and registration fee to the bureau on or before the same business day that he or she is assigned to work~~

1 as a security guard or security patrol person performing any of the
2 functions set forth in subdivision (a) of Section 7582.1. If the
3 applicant is assigned to work on a Saturday, Sunday, or on a federal
4 holiday, the applicant may submit the application and registration
5 fee to the bureau on the first business day immediately following
6 the Saturday, Sunday, or federal holiday. The applicant shall
7 submit the fingerprints to the bureau within three business days
8 after being assigned to work with a temporary registration card.

9 (b) If a private patrol operator pays the application fee on
10 behalf of the applicant, nothing in this section shall preclude the
11 private patrol operator from withholding the amount of the fee
12 from the applicant's compensation.

13 (c) The licensee shall maintain supplies of applications and
14 fingerprint cards that shall be provided by the bureau upon request.

15 (d) In lieu of classifiable fingerprint cards provided for in this
16 section, the bureau may authorize applicants to submit their
17 fingerprints into an electronic fingerprinting system administered
18 by the Department of Justice. Applicants who submit their
19 fingerprints by electronic means shall have their fingerprints
20 entered into the system through a terminal operated by a law
21 enforcement agency or other facility authorized by the Department
22 of Justice to conduct electronic fingerprinting. The enforcement
23 agency responsible for operating the terminal may charge a fee
24 sufficient to reimburse it for the costs incurred in providing this
25 service.

26 (e) Upon receipt of an applicant's electronic *or hard card*
27 fingerprints as provided in this section, the Department of Justice
28 shall ~~determine whether the applicant has been convicted of any~~
29 ~~crime and forward the~~ *disseminate the following* information to the
30 bureau:

31 ~~(f) The requirement of submission of fingerprint cards to the~~
32 ~~Federal Bureau of Investigation shall not apply to :~~

33 *(1) Every conviction rendered against the applicant.*

34 *(2) Every arrest for an offense for which the applicant is*
35 *presently awaiting trial, whether the applicant is incarcerated or*
36 *has been released on bail or on his or her own recognizance*
37 *pending trial.*

38 *(f) A currently employed, full-time peace officers officer*
39 *holding peace officer status under Chapter 4.5 (commencing with*
40 *Section 830) of Title 3 of Part 2 of the Penal Code, or to a level I*

1 or level II reserve ~~officers~~ *officer* as described in paragraphs (1)
2 and (2) of subdivision (a) of Section 832.6 of the Penal Code *may*
3 *immediately perform the functions of a security guard or security*
4 *patrolperson, provided that he or she has submitted an*
5 *application, the applicable fees, and his or her fingerprints to the*
6 *bureau for a security guard registration.*

7 (g) In addition to the amount authorized pursuant to Section
8 7570.1, the bureau may impose an additional fee not to exceed
9 three dollars (\$3) for processing classifiable fingerprint cards
10 submitted by applicants excluding those submitted into an
11 electronic fingerprint system using electronic fingerprint
12 technology.

13 (h) An employee shall, on the first day of employment, display
14 to the client his or her registration card if it is feasible and practical
15 to comply with this disclosure requirement. The employee shall
16 thereafter display to the client his or her registration card upon the
17 request of the client.

18 (i) ~~“Submit,” as used in subdivision (a), means any of the~~
19 ~~following:~~

20 ~~(1) To ensure that the application and registration fee have been~~
21 ~~received by the bureau on or before the business day that the~~
22 ~~employee is assigned to work.~~

23 ~~(2) To ensure that the application and registration fee either~~
24 ~~have been mailed to the bureau and officially postmarked with a~~
25 ~~date on or before the employee is assigned to work or have been~~
26 ~~deposited with a carrier performing overnight delivery services on~~
27 ~~or before the business day that the employee is assigned to work.~~

28 ~~(3) To ensure, if the applicant is assigned to work on a Saturday,~~
29 ~~Sunday, or on a federal holiday, that the application and~~
30 ~~registration fee either have been mailed to the bureau and officially~~
31 ~~postmarked with a date on the first business day immediately~~
32 ~~following that Saturday, Sunday, or federal holiday or have been~~
33 ~~deposited with a carrier performing overnight delivery services on~~
34 ~~the first business day immediately following that Saturday,~~
35 ~~Sunday, or federal holiday.~~

36 *SEC. 4.5. Section 7583.9 of the Business and Professions*
37 *Code is amended to read:*

38 7583.9. (a) Upon accepting employment by a private patrol
39 operator, any employee who performs the function of a security
40 guard or security patrolperson who is not currently registered with

the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. *The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The bureau shall forward the classifiable fingerprint cards to the Department of Justice.* The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check. ~~The applicant shall submit the application and registration fee to the bureau on or before the same business day that he or she is assigned to work as a security guard or security patrolperson performing any of the functions set forth in subdivision (a) of Section 7582.1. If the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, the applicant may submit the application and registration fee to the bureau on the first business day immediately following the Saturday, Sunday, or federal holiday. The applicant shall submit the fingerprints to the bureau within three business days after being assigned to work with a temporary registration card.~~

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic *or hard card* fingerprints as provided in this section, the Department of Justice shall ~~determine whether the applicant has been convicted of any~~

1 ~~crime and forward the~~ disseminate the following information to
2 the bureau-:

3 (1) Every conviction rendered against the applicant.

4 (2) Every arrest for an offense for which the applicant is
5 presently awaiting trial, whether the applicant is incarcerated or
6 has been released on bail or on his or her own recognizance
7 pending trial.

8 ~~(f) The requirement of submission of fingerprint cards to the~~
9 ~~Federal Bureau of Investigation shall not apply to-~~ (1) A currently
10 employed, full-time peace-officers officer holding peace officer
11 status under Chapter 4.5 (commencing with Section 830) of Title
12 3 of Part 2 of the Penal Code, or to a level I or level II reserve
13 officers officer as described in paragraphs (1) and (2) of
14 subdivision (a) of Section 832.6 of the Penal Code-

15 ~~(g) may immediately perform the functions of a security guard~~
16 ~~or security patrolperson, provided that he or she has submitted an~~
17 ~~application, the applicable fees, and his or her fingerprints to the~~
18 ~~bureau for a security guard registration.~~

19 (2) This subdivision does not apply to a peace officer required
20 to obtain a firearm qualification card pursuant to Section 7583.12.

21 (g) Peace officers exempt from the submission of classifiable
22 fingerprints pursuant to subdivision (f) shall submit verification of
23 their active duty peace officer status to the bureau with their
24 application for registration. A photocopy of the front and back of
25 their peace officer identification badge shall be adequate
26 verification.

27 (h) Peace officers exempt from the submission of classifiable
28 fingerprints pursuant to subdivision (f) shall report a change in
29 their active duty peace officer status to the bureau within 72 hours
30 of the change in active duty peace officer status.

31 (i) (1) Peace officers exempt from obtaining a firearm
32 qualification card pursuant to subdivision (c) of Section 7583.12
33 shall submit to the bureau with their application for registration
34 a letter of approval from his or her primary employer authorizing
35 him or her to carry a firearm while working as a security guard or
36 security officer.

37 (2) For purposes of this section, "primary employer" means a
38 public safety agency currently employing a peace officer subject
39 to this section.

(j) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

~~(h)~~

(k) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

~~(i) “Submit,” as used in subdivision (a), means any of the following:~~

~~(1) To ensure that the application and registration fee have been received by the bureau on or before the business day that the employee is assigned to work.~~

~~(2) To ensure that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on or before the employee is assigned to work or have been deposited with a carrier performing overnight delivery services on or before the business day that the employee is assigned to work.~~

~~(3) To ensure, if the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on the first business day immediately following that Saturday, Sunday, or federal holiday or have been deposited with a carrier performing overnight delivery services on the first business day immediately following that Saturday, Sunday, or federal holiday.~~

SEC. 4.7. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, *lawful business, or public agency*, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. *The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The*

bureau shall forward the classifiable fingerprint cards to the Department of Justice. The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check. ~~The applicant shall submit the application and registration fee to the bureau on or before the same business day that he or she is assigned to work as a security guard or security patrol person performing any of the functions set forth in subdivision (a) of Section 7582.1. If the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, the applicant may submit the application and registration fee to the bureau on the first business day immediately following the Saturday, Sunday, or federal holiday. The applicant shall submit the fingerprints to the bureau within three business days after being assigned to work with a temporary registration card.~~

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic *or hard card* fingerprints as provided in this section, the Department of Justice shall ~~determine whether the applicant has been convicted of any crime and forward the~~ disseminate the following information to the bureau:

(1) *Every conviction rendered against the applicant.*

(2) *Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or*

1 *has been released on bail or on his or her own recognizance*
2 *pending trial.*

3 ~~(f) The requirement of submission of fingerprint cards to the~~
4 ~~Federal Bureau of Investigation shall not apply to-~~ (1) *A currently*
5 *employed, full-time peace-officers officer holding peace officer*
6 *status under Chapter 4.5 (commencing with Section 830) of Title*
7 *3 of Part 2 of the Penal Code, or to a level I or level II reserve*
8 ~~officers officer~~ *as described in paragraphs (1) and (2) of*
9 *subdivision (a) of Section 832.6 of the Penal Code-*

10 ~~(g)~~ *may immediately perform the functions of a security guard*
11 *or security patrolperson, provided that he or she has submitted an*
12 *application, the applicable fees, and his or her fingerprints to the*
13 *bureau for a security guard registration.*

14 (2) *This subdivision does not apply to a peace officer required*
15 *to obtain a firearm qualification card pursuant to Section 7583.12.*

16 (g) *Peace officers exempt from the submission of classifiable*
17 *fingerprints pursuant to subdivision (f) shall submit verification of*
18 *their active duty peace officer status to the bureau with their*
19 *application for registration. A photocopy of the front and back of*
20 *their peace officer identification badge shall be adequate*
21 *verification.*

22 (h) *Peace officers exempt from the submission of classifiable*
23 *fingerprints pursuant to subdivision (f) shall report a change in*
24 *their active duty peace officer status to the bureau within 72 hours*
25 *of the change in active duty peace officer status.*

26 (i) (1) *Peace officers exempt from obtaining a firearm*
27 *qualification card pursuant to subdivision (c) of Section 7583.12*
28 *shall submit to the bureau with their application for registration*
29 *a letter of approval from his or her primary employer authorizing*
30 *him or her to carry a firearm while working as a security guard or*
31 *security officer.*

32 (2) *For purposes of this section, “primary employer” means a*
33 *public safety agency currently employing a peace officer subject*
34 *to this section.*

35 (j) *In addition to the amount authorized pursuant to Section*
36 *7570.1, the bureau may impose an additional fee not to exceed*
37 *three dollars (\$3) for processing classifiable fingerprint cards*
38 *submitted by applicants excluding those submitted into an*
39 *electronic fingerprint system using electronic fingerprint*
40 *technology.*

1 ~~(h)~~

2 (k) An employee shall, on the first day of employment, display
3 to the client his or her registration card if it is feasible and practical
4 to comply with this disclosure requirement. The employee shall
5 thereafter display to the client his or her registration card upon the
6 request of the client.

7 ~~(i) “Submit,” as used in subdivision (a), means any of the~~
8 ~~following:~~

9 ~~(1) To ensure that the application and registration fee have been~~
10 ~~received by the bureau on or before the business day that the~~
11 ~~employee is assigned to work.~~

12 ~~(2) To ensure that the application and registration fee either~~
13 ~~have been mailed to the bureau and officially postmarked with a~~
14 ~~date on or before the employee is assigned to work or have been~~
15 ~~deposited with a carrier performing overnight delivery services on~~
16 ~~or before the business day that the employee is assigned to work.~~

17 ~~(3) To ensure, if the applicant is assigned to work on a Saturday,~~
18 ~~Sunday, or on a federal holiday, that the application and~~
19 ~~registration fee either have been mailed to the bureau and officially~~
20 ~~postmarked with a date on the first business day immediately~~
21 ~~following that Saturday, Sunday, or federal holiday or have been~~
22 ~~deposited with a carrier performing overnight delivery services on~~
23 ~~the first business day immediately following that Saturday,~~
24 ~~Sunday, or federal holiday.~~

25 SEC. 5. Section 7583.11 of the Business and Professions
26 Code is repealed.

27 SEC. 6. Section 7583.17 of the Business and Professions
28 Code is amended to read:

29 7583.17. (a) Upon approval of an application for
30 registration, the chief shall cause to be issued to the applicant at his
31 or her last known residential address a registration card in a form
32 approved by the director.

33 (b) A person may work as a security guard or security
34 patrolperson pending receipt of the registration card if he or she
35 has been approved by the bureau and carries on his or her person
36 a hardcopy printout of the bureau’s approval from the bureau’s
37 Web site and a valid picture identification.

38 (c) In the event of the loss or destruction of the card, the
39 cardholder may apply to the bureau for a certified replacement of
40 the card, stating the circumstances surrounding the loss, and pay

1 a ten dollar (\$10) certification fee, whereupon the bureau shall
2 issue a certified replacement of the card.

3 SEC. 7. Section 7583.43 of the Business and Professions
4 Code is repealed.

5 SEC. 8. *(a) Section 1.3 of this bill incorporates amendments*
6 *to Section 7583.2 of the Business and Professions Code proposed*
7 *by both this bill and AB 248. It shall only become operative if (1)*
8 *both bills are enacted and become effective on or before January*
9 *1, 2003, (2) each bill amends Section 7583.2 of the Business and*
10 *Professions Code, (3) AB 2880 is not enacted or as enacted does*
11 *not amend that section, and (4) this bill is enacted after AB 248,*
12 *in which case Sections 1, 1.5, and 1.7 of this bill shall not become*
13 *operative.*

14 *(b) Section 1.5 of this bill incorporates amendments to Section*
15 *7583.2 of the Business and Professions Code proposed by both this*
16 *bill and AB 2880. It shall only become operative if (1) both bills*
17 *are enacted and become effective on or before January 1, 2003, (2)*
18 *each bill amends Section 7583.2 of the Business and Professions*
19 *Code, (3) AB 248 is not enacted or as enacted does not amend that*
20 *section, and (4) this bill is enacted after AB 2880, in which case*
21 *Sections 1, 1.3, and 1.7 of this bill shall not become operative.*

22 *(c) Section 1.7 of this bill incorporates amendments to Section*
23 *7583.2 of the Business and Professions Code proposed by this bill,*
24 *AB 248, and AB 2880. It shall only become operative if (1) all three*
25 *bills are enacted and become effective on or before January 1,*
26 *2003, (2) all three bills amend Section 7583.2 of the Business and*
27 *Professions Code, and (3) this bill is enacted after AB 248, and AB*
28 *2880, in which case Sections 1, 1.3, and 1.5 of this bill shall not*
29 *become operative.*

30 SEC. 9. Section 3.5 of this bill incorporates amendments to
31 Section 7583.8 of the Business and Professions Code proposed by
32 both this bill and AB 248. It shall only become operative if (1) both
33 bills are enacted and become effective on or before January 1,
34 2003, (2) each bill amends Section 7583.8 of the Business and
35 Professions Code, and (3) this bill is enacted after AB 248, in
36 which case Section 3 of this bill shall not become operative.

37 SEC. 10. *(a) Section 4.3 of this bill incorporates amendments*
38 *to Section 7583.9 of the Business and Professions Code proposed*
39 *by both this bill and AB 248. It shall only become operative if (1)*
40 *both bills are enacted and become effective on or before January*

1 1, 2003, (2) each bill amends Section 7583.9 of the Business and
2 Professions Code, (3) AB 1840 is not enacted or as enacted does
3 not amend that section, and (4) this bill is enacted after AB 248,
4 in which case Sections 4, 4.5, and 4.7 of this bill shall not become
5 operative.

6 (b) Section 4.5 of this bill incorporates amendments to Section
7 7583.9 of the Business and Professions Code proposed by both this
8 bill and AB 1840. It shall only become operative if (1) both bills
9 are enacted and become effective on or before January 1, 2003, (2)
10 each bill amends Section 7583.9 of the Business and Professions
11 Code, (3) AB 248 is not enacted or as enacted does not amend that
12 section, and (4) this bill is enacted after AB 1840, in which case
13 Sections 4, 4.3, and 4.7 of this bill shall not become operative.

14 (c) Section 4.7 of this bill incorporates amendments to Section
15 7583.9 of the Business and Professions Code proposed by this bill,
16 AB 248, and AB 1840. It shall only become operative if (1) all three
17 bills are enacted and become effective on or before January 1,
18 2003, (2) all three bills amend Section 7583.9 of the Business and
19 Professions Code, and (3) this bill is enacted after AB 248, and AB
20 1840, in which case Sections 4, 4.3, and 4.5 of this bill shall not
21 become operative.

22 SEC. 11. No reimbursement is required by this act pursuant
23 to Section 6 of Article XIII B of the California Constitution
24 because the only costs that may be incurred by a local agency or
25 school district will be incurred because this act creates a new crime
26 or infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.